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FEBRUARY 27, 2021 BY RONNIE

Bill C-21: Redefining Replica Firearms, Turning Them Into Prohibited Weapons

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109 (1) Where a person is convicted, or discharged under section 730, of
(a) an indictable offence in the commission of which violence against a person was used, threatened or attempted and for which the person may be sentenced to imprisonment for ten years or more,

This Bill brings Red Flag and Yellow Flag Laws onto Canadian gun owners, regardless of how law abiding they may be. It also redefines what a “replica” is, and potentially causes more problems.

1. What Criminal Code Currently Says

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PART III
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Use Offences
Using firearm in commission of offence
85 (1) Every person commits an offence who uses a firearm, whether or not the person causes or means to cause bodily harm to any person as a result of using the firearm,

> replica firearm means any device that is ***designed or intended to exactly resemble, or to resemble with near precision, a firearm, and that itself is not a firearm***, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm; (réplique)

The Criminal Code, under Section 84(1), already has a definition for a replica firearm, and it's a pretty clear one. However, this would make changes to it regarding energy of the discharge, and speed.

2. Changes Bill C-21 Would Make To Code

PARLIAMENT OF CANADA

SENATE HOUSE OF COMMONS

BILL C-21

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First Reading

Second Session, Forty-third Parliament,
69-70 Elizabeth II, 2020-2021

HOUSE OF COMMONS OF CANADA

BILL C-21

An Act to amend certain Acts and to make certain consequential amendments (firearms)

Bill C-21
(First Reading
February 16, 202

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1 (1) The definition replica firearm in subsection 84(1) of the Criminal Code is replaced by the following:

> replica firearm means any device that is ***designed or intended to exactly resemble, or to resemble with near precision,*** a firearm ***that is designed or adapted to discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second and at a muzzle energy exceeding 5.7 Joules, and that itself is not a firearm***, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm; (réplique)

(2) Section 84 of the Act is amended by adding the following after subsection (3.1):

> Certain firearms deemed to be prohibited devices
> (3.2) For the purposes of sections 99 to 101, 103 to 107 and 117.03, a firearm is deemed to be a prohibited device if
> (a) it is proved that the ***firearm is not designed or adapted to discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second or at a muzzle energy exceeding 5.7 Joules***; and
> (b) the firearm is designed or intended to ***exactly resemble, or to resemble with near precision, a firearm, other than an antique firearm***, that is designed or ***adapted to***

> ***discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second and at a muzzle energy exceeding 5.7 Joules***.

From this new definition, could air guns, airsoft guns, paintball guns and pellet guns now be considered prohibited weapons? After all, many do “resemble” regular firearms.

By this new definition, many of those guns available for purchase by the general public might qualify. They aren’t designed for the same capacity as real ones. But “exactly resembling, or resembling with near precision” could be very subjective. It also raises the question of what kind of due diligence a person should do to ensure that their gun is not resembling (exactly, or with near precision), a prohibited weapon.

Since these aren’t standard firearms there’s no way to get a license to own them, unless that’s coming next. Is this a way to ban other types of “guns”, or is this just poor wording?

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